

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

Emanuel R. Mori
Debtor(s)

Bankruptcy Case No.: 18-21179-CMB
Issued Per 7/11/2019 Proceeding
Chapter: 13
Docket No.: 72 - 70
Concil. Conf.: July 11, 2019 at 01:30 PM

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated June 5, 2019 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☐ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$ as of . Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☐ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on Jul. 11, 2019 at 01:30 PM, in 3251 U.S. Steel Tower, 600 Grant Street, Pittsburgh, PA 15219.*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☐ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: .
- ☒ H. Additional Terms: A Fee Application is needed if any fee (including retainer) exceeds \$4,000.00 including any fees paid to prior counsel.

The secured claim(s) of the following Creditor(s) shall govern as to prepetition arrears, and the monthly postpetition payments shall be based on allowed payment changes of record: Claim No. 12 of BNY Mellon and Claim No. 6 of HSBC Bank

Bank of America not to be paid, but prior payments proper for account numbers 1126 and 7515.

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.


B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.


Carlota M. Böhm, Judge
United States Bankruptcy Court

Dated: July 12, 2019

cc: All Parties in Interest to be served by Clerk in seven (7) days

Certificate of Notice Page 4 of 5
 United States Bankruptcy Court
 Western District of Pennsylvania

In re:
 Emanuel R. Mori
 Debtor

Case No. 18-21179-CMB
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2

User: dbas
 Form ID: 149

Page 1 of 2
 Total Noticed: 31

Date Rcvd: Jul 12, 2019

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jul 14, 2019.

db +Emanuel R. Mori, 801 Limestone Drive, Allison Park, PA 15101-4225
 cr +City & School District of Pittsburgh, Goehring, Rutter & Boehm,
 437 Grant Street, 14th Floor, Frick Building, Pittsburgh, PA 15219,
 UNITED STATES OF AMERICA 15219-6101
 cr +County of Allegheny, Goehring, Rutter, and Boehm, 437 Grant Street, 14th Floor,
 Frick Building, Pittsburgh, PA 15219, UNITED STATES 15219-6101
 cr +Pittsburgh Water & Sewer Authority, Goehring, Rutter, and Boehm,
 437 Grant Street, 14th Floor, Frick Building, Pittsburgh, PA 15219,
 UNITED STATES 15219-6101
 14800328 +Allegheny County, c/o Jordan Tax Service, 102 Rahway Dr, Canonsburg, PA 15317-3349
 14800330 +Bank of America N.A., 655 Paper Mill Road, Newark, DE 19711-7500
 14859048 +Bank of America, N.A., P O Box 982284, El Paso, TX 79998-2284
 14800331 +Barclays Bank Delaware, 100 S West St, Wilmington, DE 19801-5015
 14800336 +Citibank / Sears, Citicorp Credit Services/Attn: Centraliz, Po Box 790040,
 Saint Louis, MO 63179-0040
 14830221 +City & School District of Pittsburgh, Goehring, Rutter & Boehm,
 c/o Jeffrey R. Hunt, Esquire, 437 Grant Street, 14th Floor, Frick Building,
 Pittsburgh, PA 15219-6101
 14800337 +City of Pittsburgh/SD of Pittsburgh, c/o Jordan Tax Service, Inc., 102 Rahway Road,
 Canonsburg, PA 15317-3349
 14830223 +County of Allegheny, Goehring, Rutter & Boehm, c/o Jeffrey R. Hunt, Esquire,
 437 Grant Street, 14th Floor, Frick Building, Pittsburgh, PA 15219-6101
 14800338 +Credit Protection Assoc/Etan Industries, Attn: Bankruptcy, Re: Peoples Natural Gas,
 Po Box 802068, Dallas, TX 75380-2068
 14852970 HSBC Bank USA, National Association ET. AL., OCWEN LOAN SERVICING, LLC,
 Attn: Bankruptcy Department, P.O. BOX 24605, WEST PALM BEACH FL 33416-4605
 14800339 +KML Law Group, c/o Nora Viggiano, 701 Market Street, Suite 5000,
 Philadelphia, PA 19106-1541
 14815523 +Peoples Natural Gas Company LLC, c/o S. James Wallace, P.C., 845 N. Lincoln Ave.,
 Pittsburgh, PA 15233-1828
 14830222 +Pittsburgh Water & Sewer Authority, Goehring, Rutter & Boehm, c/o Jeffrey R. Hunt, Esquire,
 437 Grant Street, 14th Floor, Frick Building, Pittsburgh, PA 15219-6101

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

14800332 +E-mail/Text: bkmailbayview@bayviewloanservicing.com Jul 13 2019 02:54:28
 Bayview Loan Servicing LLC, Customer Service Dept., 4425 Ponce De Leon Blvd.,
 Miami, FL 33146-1837
 14860083 E-mail/Text: bkmailbayview@bayviewloanservicing.com Jul 13 2019 02:54:28
 Bayview Loan Servicing, LLC, 4425 Ponce De Leon Blvd., 5th floor,
 Coral Gables, FL, 33146-1837
 14800333 +E-mail/Text: ECMBKMail@Caliberhomeloans.com Jul 13 2019 02:54:46 Caliber Home Loans,
 13801 Wireless Way, Oklahoma City, OK 73134-2500
 14800334 +E-mail/Text: ECMBKMail@Caliberhomeloans.com Jul 13 2019 02:54:46 Caliber Home Loans, In,
 13801 Wireless Way, Oklahoma City, OK 73134-2500
 14800335 +E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Jul 13 2019 02:56:51 Capital One,
 Attn: General Correspondence/Bankruptcy, Po Box 30285, Salt Lake City, UT 84130-0285
 14857739 +E-mail/Text: kborkley@bernsteinlaw.com Jul 13 2019 02:54:36 Duquesne Light Company,
 c/o Bernstein-Borkley, P.C., 707 Grant St., Suite 2200, Gulf Tower,
 Pittsburgh, PA 15219-1945
 14800340 +E-mail/Text: bankruptcydpt@mcmcg.com Jul 13 2019 02:54:04 Midland Funding,
 Attn: Bankruptcy, Re: Citibank N.A., Po Box 939069, San Diego, CA 92193-9069
 14855978 +E-mail/Text: bankruptcydpt@mcmcg.com Jul 13 2019 02:54:04 Midland Funding LLC,
 PO Box 2011, Warren, MI 48090-2011
 14800341 +Fax: 407-737-5634 Jul 13 2019 03:47:40 Ocwen Loan Servicing, LLC,
 Attn: Research/Bankruptcy, 1661 Worthington Rd Ste 100, West Palm Bch, FL 33409-6493
 14834343 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Jul 13 2019 02:57:26
 Portfolio Recovery Associates, LLC, POB 12914, Norfolk VA 23541
 14811987 +E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Jul 13 2019 02:57:26
 PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
 14859211 E-mail/Text: bnc-quantum@quantum3group.com Jul 13 2019 02:53:46
 Quantum3 Group LLC as agent for, MOMA Funding LLC, PO Box 788, Kirkland, WA 98083-0788
 14800342 +E-mail/PDF: gecsedirecoverycorp.com Jul 13 2019 02:57:49 Synchrony Bank/Sams Club,
 Attn: Bankruptcy, Po Box 965060, Orlando, FL 32896-5060
 15039813 E-mail/Text: jennifer.chacon@spservicing.com Jul 13 2019 02:54:48
 The Bank of New York Mellon, et al, c/o SELECT PORTFOLIO SERVICING, P.O. Box 65450,
 Salt Lake City, UT 84165-0450

TOTAL: 14

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr Bayview Loan Servicing LLC
 cr CALIBER HOME LOANS, INC.
 cr HSBC BANK USA, NATIONAL ASSOCIATION AS TRUSTEE ET.
 cr THE BANK OF NEW YORK MELLON, AS TRUSTEE FOR CIT MO
 cr The Bank Of New York Mellon, As Trustee Et Al

District/off: 0315-2

User: dbas
Form ID: 149

Page 2 of 2
Total Noticed: 31

Date Rcvd: Jul 12, 2019

***** BYPASSED RECIPIENTS (continued) *****
cr The Bank of New York Mellon, successor to The Bank
cr* +Bank of America, N.A., P O Box 982284, EL PASO, TX 79998-2284
cr* +Duquesne Light Company, c/o Bernstein-Burkley, P.C.,
707 Grant Street, Suite 2200, Gulf Tower, Pittsburgh, PA 15219-1945
cr* +PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
cr* +Peoples Natural Gas Company LLC, c/o S. James Wallace, P.C., 845 N. Lincoln Ave.,
Pittsburgh, PA 15233-1828
14859675* +CALIBER HOME LOANS, 13801 WIRELESS WAY, OKLAHOMA CITY, OK 73134-2500
15039817* The Bank of New York Mellon, ET AL, C/O SELECT PORTFOLIO SERVICING, INC, PO Box 65450,
Salt Lake City, UT 84165-0450
14800329 ##+Bank Of America, Nc4-105-03-14, Po Box 26012, Greensboro, NC 27420-6012
TOTALS: 6, * 6, ## 1

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '##' were identified by the USPS National Change of Address system as undeliverable. Notices will no longer be delivered by the USPS to these addresses; therefore, they have been bypassed. The debtor's attorney or pro se debtor was advised that the specified notice was undeliverable.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Jul 14, 2019

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on July 12, 2019 at the address(es) listed below:

Bryan P. Keenan on behalf of Debtor Emanuel R. Mori keenan662@gmail.com, melindap662@gmail.com
Harry B. Reese on behalf of Creditor Bayview Loan Servicing LLC harry.reese@pkallc.com,
chris.amann@pkallc.com/nick.bracey@pkallc.com/samantha.gonzalez@pkallc.com/jill@pkallc.com/mary.r
aynor-paul@pkallc.com/amanda.rauer@pkallc.com
James Warmbrodt on behalf of Creditor The Bank of New York Mellon, successor to The Bank of
New York, not in its individual capacity but solely as Trustee on behalf of the holders of the
CIT Mortgage Loan Trust, 2007-1 Asset-Backed Certif bkgrou@kmlawgroup.com
James Warmbrodt on behalf of Creditor The Bank Of New York Mellon, As Trustee Et Al
bkgrou@kmlawgroup.com
James A. Prostko on behalf of Creditor HSBC BANK USA, NATIONAL ASSOCIATION AS TRUSTEE ET. AL.
pawb@fedphe.com
Jeffrey R. Hunt on behalf of Creditor Pittsburgh Water & Sewer Authority jhunt@grblaw.com,
cnoroski@grblaw.com
Jeffrey R. Hunt on behalf of Creditor County of Allegheny jhunt@grblaw.com,
cnoroski@grblaw.com
Jeffrey R. Hunt on behalf of Creditor City & School District of Pittsburgh jhunt@grblaw.com,
cnoroski@grblaw.com
Jerome B. Blank on behalf of Creditor The Bank Of New York Mellon, As Trustee Et Al
pawb@fedphe.com
Jill Manuel-Coughlin on behalf of Creditor Bayview Loan Servicing LLC jill@pkallc.com,
chris.amann@pkallc.com/nick.bracey@pkallc.com/samantha.gonzalez@pkallc.com/harry.reese@pkallc.com
/mary.raynor-paul@pkallc.com/amanda.rauer@pkallc.com
Keri P. Ebeck on behalf of Creditor Duquesne Light Company kebeck@bernsteinlaw.com,
jbluemle@bernsteinlaw.com
Kevin M BATTERY on behalf of Creditor THE BANK OF NEW YORK MELLON, AS TRUSTEE FOR CIT
MORTGAGE LOAN TRUST 2007-1 kbattery@rascrane.com
Lauren Berschler Karl on behalf of Creditor THE BANK OF NEW YORK MELLON, AS TRUSTEE FOR CIT
MORTGAGE LOAN TRUST 2007-1 lkarl@rascrane.com
Office of the United States Trustee ustpregion03.pi.ecf@usdoj.gov
Ronda J. Winnecour cmecf@chapter13trusteewdpa.com
S. James Wallace on behalf of Creditor Peoples Natural Gas Company LLC sjw@sjwpgh.com,
Equitablebankruptcy@peoples-gas.com/srk@sjwpgh.com
Thomas Song on behalf of Creditor HSBC BANK USA, NATIONAL ASSOCIATION AS TRUSTEE ET. AL.
pawb@fedphe.com

TOTAL: 17